

a legible statement in a prominent location that reads: "The Airworthiness Limitations section is FAA approved and specifies maintenance required under §§43.16 and 91.403 of the Federal Aviation Regulations unless an alternative program has been FAA approved."

[Amdt. 35-5, 45 FR 60182, Sept. 11, 1980, as amended by Amdt. 35-6, 54 FR 34330, Aug. 18, 1989]

PART 36—NOISE STANDARDS: AIRCRAFT TYPE AND AIRWORTHINESS CERTIFICATION

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SOURCE: Docket No. 9337, 34 FR 18364, Nov. 18, 1969, unless otherwise noted.

Subpart A—General

§ 36.1 Applicability and definitions.

(a) This part prescribes noise standards for the issue of the following certificates:

(1) Type certificates, and changes to those certificates, and standard airworthiness certificates, for subsonic transport category large airplanes, and for subsonic jet airplanes regardless of category.

(2) Type certificates and changes to those certificates, standard airworthiness certificates, and restricted category airworthiness certificates, for propeller-driven, small airplanes, and for propeller-driven, commuter category airplanes except those airplanes

that are designed for “agricultural aircraft operations” (as defined in §137.3 of this chapter, as effective on January 1, 1966) or for dispersing fire fighting materials to which §36.1583 of this part does not apply.

(3) A type certificate and changes to that certificate, and standard airworthiness certificates, for Concorde airplanes.

(4) Type certificates, and changes to those certificates, for helicopters except those helicopters that are designated exclusively for “agricultural aircraft operations” (as defined in §137.3 of this chapter, as effective on January 1, 1966), for dispensing fire fighting materials, or for carrying external loads (as defined in §133.1(b) of this chapter, as effective on December 20, 1976).

(b) Each person who applies under Part 21 of this chapter for a type of airworthiness certificate specified in this part must show compliance with the applicable requirements of this part, in addition to the applicable airworthiness requirements of this chapter.

(c) Each person who applies under Part 21 of this chapter for approval of an acoustical change described in §21.93(b) of this chapter must show that the aircraft complies with the applicable provisions of §§36.7, 36.9, or 36.11 of this part in addition to the applicable airworthiness requirements of this chapter.

(d) Each person who applies for the original issue of a standard airworthiness certificate for a transport category large airplane or for a jet airplane under §21.183 must, regardless of date of application, show compliance with the following provisions of this part (including appendix B):

(1) The provisions of this part in effect on December 1, 1969, for subsonic airplanes that have not had any flight time before—

(i) December 1, 1973, for airplanes with maximum weights greater than 75,000 pounds, except for airplanes that are powered by Pratt & Whitney Turbo Wasp JT3D series engines;

(ii) December 31, 1974, for airplanes with maximum weights greater than 75,000 pounds and that are powered by Pratt & Whitney Turbo Wasp JT3D series engines; and

(iii) December 31, 1974, for airplanes with maximum weights of 75,000 pounds and less.

(2) The provisions of this part in effect on October 13, 1977, including the stage 2 noise limits, for Concorde airplanes that have not had flight time before January 1, 1980.

(e) Each person who applies for the original issue of a standard airworthiness certificate under §21.183, or for the original issue of a restricted category airworthiness certificate under §21.185, for propeller-driven, commuter category airplanes for a propeller driven small airplane that has not had any flight time before January 1, 1980, must show compliance with the applicable provisions of this part.

(f) For the purpose of showing compliance with this part for transport category large airplanes and jet airplanes regardless of category, the following terms have the following meanings:

(1) A “Stage 1 noise level” means a flyover, lateral or approach noise level greater than the Stage 2 noise limits prescribed in section B36.5(b) of appendix B of this part.

(2) A “Stage 1 airplane” means an airplane that has not been shown under this part to comply with the flyover, lateral, and approach noise levels required for Stage 2 or Stage 3 airplanes.

(3) A “Stage 2 noise level” means a noise level at or below the Stage 2 noise limits prescribed in section B36.5(b) of appendix B of this part but higher than the Stage 3 noise limits prescribed in section B36.5(c) of appendix B of this part.

(4) A “Stage 2 airplane” means an airplane that has been shown under this part to comply with Stage 2 noise levels prescribed in section B36.5(b) of appendix B of this part (including use of the applicable tradeoff provisions specified in section B36.6) and that does not comply with the requirements for a Stage 3 airplane.

(5) A “Stage 3 noise level” means a noise level at or below the Stage 3 noise limits prescribed in section B36.5(c) of appendix B of this part.

(6) A “Stage 3 airplane” means an airplane that has been shown under this part to comply with Stage 3 noise levels prescribed in section B36.5(c) of

appendix B of this part (including use of the applicable tradeoff provisions specified in section B36.6).

(7) A “subsonic airplane” means an airplane for which the maximum operating limit speed, M_{mo} , does not exceed a Mach number of 1.

(8) A “supersonic airplane” means an airplane for which the maximum operating limit speed, M_{mo} , exceeds a Mach number of 1.

(g) For the purpose of showing compliance with this part for transport category large airplanes and jet airplanes regardless of category, each airplane may not be identified as complying with more than one stage or configuration simultaneously.

(h) For the purpose of showing compliance with this part, for helicopters in the primary, normal, transport, and restricted categories, the following terms have the specified meanings:

(1) *Stage 1 noise level* means a takeoff, flyover, or approach noise level greater than the Stage 2 noise limits prescribed in section H36.305 of appendix H of this part, or a flyover noise level greater than the Stage 2 noise limits prescribed in section J36.305 of appendix J of this part.

(2) *Stage 1 helicopter* means a helicopter that has not been shown under this part to comply with the takeoff, flyover, and approach noise levels required for Stage 2 helicopters as prescribed in section H36.305 of appendix H of this part, or a helicopter that has not been shown under this part to comply with the flyover noise level required for Stage 2 helicopters as prescribed in section J36.305 of appendix J of this part.

(3) *Stage 2 noise level* means a takeoff, flyover, or approach noise level at or below the Stage 2 noise limits prescribed in section H36.305 of appendix H of this part, or a flyover noise level at or below the Stage 2 limit prescribed in section J36.305 of appendix J of this part.

(4) *Stage 2 helicopter* means a helicopter that has been shown under this part to comply with Stage 2 noise limits (including applicable tradeoffs) prescribed in section H36.305 of appendix H of this part, or a helicopter that has been shown under this part to comply with the Stage 2 noise limit prescribed

in section J36.305 of appendix J of this part.

[Doc. No. 13243, Amdt. 36-4, 40 FR 1034, Jan. 6, 1975 as amended by Amdt. 36-7, 42 FR 12370, Mar. 3, 1977; Amdt. 36-10, 43 FR 28419, June 29, 1978; Amdt. 36-11, 45 FR 67066, Oct. 9, 1980; Amdt. 36-13, 52 FR 1836, Jan. 15, 1987; Amdt. 36-14, 53 FR 3540, Feb. 5, 1988; 53 FR 7728, Mar. 10, 1988; Amdt. 36-15, 53 FR 16366, May 6, 1988; Amdt. 36-20, 57 FR 42854, Sept. 16, 1992; Amdt. 36-54, 67 FR 45211, July 8, 2002; Amdt. 36-24, 67 FR 63195, Oct. 10, 2002]

§ 36.2 Requirements as of date of application.

(a) Section 21.17 of this chapter notwithstanding, each person who applies for a type certificate for an aircraft covered by this part, must show that the aircraft meets the applicable requirements of this part that are effective on the date of application for that type certificate. When the time interval between the date of application for the type certificate and the issuance of the type certificate exceeds 5 years, the applicant must show that the aircraft meets the applicable requirements of this part that were effective on a date, to be selected by the applicant, not earlier than 5 years before the issue of the type certificate.

(b) Section 21.101(a) of this chapter notwithstanding, each person who applies for an acoustical change to a type design specified in § 21.93(b) of this chapter must show compliance with the applicable requirements of this part that are effective on the date of application for the change in type design. When the time interval between the date of application for the change in type design and the issuance of the amended or supplemental type certificate exceeds 5 years, the applicant must show that the aircraft meets the applicable requirements of this part that were effective on a date, to be selected by the applicant, not earlier than 5 years before the issue of the amended or supplemental type certificate.

(c) If an applicant elects to comply with a standard in this part that was effective after the filing of the application for a type certificate or change to a type design, the election:

(1) Must be approved by the FAA;